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Date:

July 22, 2005

From:

Jennifer Holly

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Direct Fax:

(613) 230-6706

E-Mail:

jholly@ogilvyrenault.com

| To | Company | City | Fax |
|--|---|----------------|--------------|
| Mail Stop ISSUE FEE Art Unit 1638 Examiner : Ann R. Kubelik | United States Patent Office Facsimile Centre | Alexandria, VA | 571-273-8300 |

Re: Serial No. 10/046,769
 Inventor: BROWN, Gregory G.
 Title: METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING
 CYTOPLASMIC MALE STERILITY AND FOR RESTORATION
 OF MALE FERTILITY AND USES THEREOF IN HYBRID CROP
 PRODUCTION

Please see attached correspondence.

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JUL 22 2005

File No.: 1770-174US-DIV

July 22, 2005

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: Gregory Brown
SERIAL NO.: 10/046,769
FILING DATE: January 17, 2002
FOR: METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING CYTOPLASMIC MALE STERILITY AND FOR RESTORATION OF MALE FERTILITY AND USES THEREOF IN HYBRID CROP PRODUCTION
ART UNIT: 1638
EXAMINER: Anne R. Kubelik
AGENT/ATTORNEY: Jennifer Quinn
(613) 780-8678
jholly@ogilvyrenault.com

Via Facsimile to (703) 872-9306

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to our telephone communication with Examiner ANNE KUBELIK, of earlier today, we now herein provide a re-transmission of our PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181 of U.S. Patent Application S.N. 10/046,769 dated March 31, 2005. This petition was originally filed by facsimile at the U.S.P.T.O. on March 31, 2005, prior to the applicable deadline of April 1, 2005 as evidenced by the Auto-Reply Facsimile Transmission receipt issued by the U.S.P.T.O. confirming the same. However, as confirmed by Examiner ANNE KUBELIK it appears as though this Petition has not yet been made of record against the above-mentioned U.S. Patent application at the U.S.P.T.O.

File No.: 1770-174US-DIV

March 31, 2005

In attempt to determine the cause of this delay we have reviewed our file and have realized that a typographical error appeared in the Facsimile Cover Sheet used in our original facsimile transmission which incorrectly referenced the application Serial Number as 10/046,796 instead of its correct Serial Number 10/046,769. However, the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181 as filed on March 31, 2005 did correctly reference U.S. Patent Application S.N. 10/046,769. We sincerely apologize for any confusion that this inadvertent error may have caused to delay the recordal of the Petition.

In view of the evidence herein provided, we believe that this Petition was timely filed at the U.S.P.T.O. and that the Holding of Abandonment of U.S. Patent Application S.N. 10/046,769 should proceed to be withdrawn in due course, based thereon. As such, withdrawal of the holding of abandonment is herein respectfully requested.

Should you require anything further, please do not hesitate to contact the undersigned Agent, namely Jennifer Quinn at 613-780-8678.

Respectfully submitted,

OGILVY RENAULT

By _____
Jennifer Quinn
Reg. No. 47367
Tel.: (613) 780-8678

07/22/2005 16:15 FAX 613 230 6706

OGILVY RENAULT

004

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Date: March 31, 2005
From: Jennifer Boddy
Telephone: (613) 780-8678
Direct Fax: (613) 230-6706
E-Mail: jbholl@ogilvyrenault.com

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|--|---|----------------|--------------|
| Mall Stop ISSUE FEE Art Unit 1638 Examiner : Amin R. Kaboul | United States Patent Office Facsimile Centre | Alexandria, VA | 703 872-9306 |

URGENT DUE DATE APRIL 1, 2005

Ref. Serial No. 18046,796
Inventor: BROWN, Gregory G.
Title: METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING CYTOPLASMIC MALE STERILITY AND FOR RESTORATION OF MALE FERTILITY AND USES THEREOF IN HYBRID CROP PRODUCTION

Please see attached Petition to withdraw holding of abandonment based under 37 CFR §1.181.

Comments & Replies
Patent & Trademark Office
P.O. Box 1450
1000 Jefferson Davis Highway
Alexandria, VA 22313-1450
Telephone (703) 305-9600
Fax (703) 305-9602
Internet: uspto.gov

PAGE 11 * RCVD AT 3/31/2005 4:27:54 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:613 230 6706 * DURATION (mm:ss):01:55

File No.: 1770-174US-DIV

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March 31, 2005

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: Gregory Brown
SERIAL NO.: 10/046,769
FILING DATE: January 17, 2002
FOR: METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING CYTOPLASMIC MALE STERILITY AND FOR RESTORATION OF MALE FERTILITY AND USES THEREOF IN HYBRID CROP PRODUCTION
ART UNIT: 1638
EXAMINER: Anne R. Kubelik
AGENT/ATTORNEY: Jennifer Quinn
(613) 780-8678
jholly@ogilvyrenault.com

Via Facsimile to (703) 872-9306

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181

Sir:

Applicant petitions for withdrawal of the Notice of Abandonment in respect of the above-identified patent application.

A Notice of Abandonment in respect of the above-identified application was mailed on February 1, 2005 and indicates that the Issue Fee and Publication Fee were not received. A check of the USPTO Patent Application Information Retrieval system confirms our records showing that the Publication and Issue Fee payments were recorded on August 16, 2004 in Response to a first Notice of Allowance mailed on May 14, 2004.

File No.: 1770-174US-DIV

March 31, 2005

Subsequent to these payments, the PAIR system corresponds with our records to indicate that the Examiner communicated an Examiner's amendment on August 24 2004 and subsequently issued a Corrected Notice of Allowance the same day. Subsequent to this, a Notice of Drawing Inconsistency with Specification was mailed by the Examiner on November 1, 2004 and a corresponding Response thereto was filed on December 1, 2004 to rectify the discrepancy in the drawings.

As a result of this Response, Applicant believed that the application would proceed to issuance in light of the previous payment of the requisite Issue and Publication fees as withdrawn from Deposit Account No. 19-5113 on August 16, 2004.

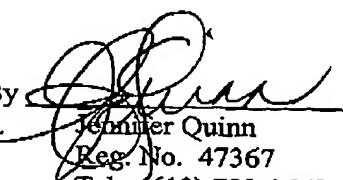
The undersigned submits that refunds for the Publication and Issue fee payments mentioned above have not been received. Accordingly, it is believed that the above-mentioned Notice of Abandonment was issued in error.

A copy of a printout from the Patent Application Information Retrieval system indicating the course of events as detailed herein above, is enclosed together with a copy of the undersigned's deposit account statement verifying payment of the Issue fee under code 1501 and Publication fee under code 1504.

Accordingly, withdrawal of the holding of abandonment is herein respectfully requested. In view of the payment of the requisite fees, applicant respectfully requests that the above-identified allowed patent application now proceed to issuance.

Respectfully submitted,

OGILVY RENAULT

By 
Jennifer Quinn
Reg. No. 47367
Tel.-(613) 780-8678



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Search results as of: 2-16-2005:15:41

Search results for application number: 10/046,769

| | | | |
|-------------------------|--|----------------------------|--------------------------------|
| Application Number: | 10/046,769 | Customer Number: | 20988 |
| Filing or 371(c) Date: | 01-17-2002 | Status: | Abandoned -- Failure Issue Fee |
| Application Type: | Utility | Status Date: | 02-01-2005 |
| Examiner Name: | KUBELIK, ANNE R | Location: | ELECTRONIC |
| Group Art Unit: | 1638 | Location Date: | - |
| Confirmation Number: | 5630 | Earliest Publication No: | US 2002-0100078 A1 |
| Attorney Docket Number: | 1770-174US-DIV | Earliest Publication Date: | 07-25-2002 |
| Class/ Sub-Class: | 800/287 | Patent Number: | - |
| First Named Inventor: | Gregory Brown, Montreal, (CA) | Issue Date of Patent: | - |
| Title Of Invention: | METHOD FOR ENHANCEMENT OF NATURALLY OCCURRING CYTOPLASMIC MALE STERILITY AND FOR RESTORATION OF MALE STERILITY AND FOR RESTORATION OF MALE FERTILITY AND USE THEREOF IN HYBRID CROP PRODUCTION | | |

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 Continuity Data Image File Wrapper Patent Term Adjustment History**File History**

| Date | Contents Description |
|------------|---|
| 02-01-2005 | Mail Abandonment for Failure to Pay Issue Fee |
| 02-01-2005 | Abandonment for Failure to Pay Issue Fee |
| 12-01-2004 | Miscellaneous Incoming Letter — <i>deleting Fig 4 as per parent</i> |
| 12-03-2004 | Workflow incoming amendment IFW |
| 12-01-2004 | Workflow incoming amendment IFW |
| 11-01-2004 | Mail Miscellaneous Communication to Applicant |
| 10-27-2004 | Miscellaneous Communication to Applicant - No Action Count |
| 10-15-2004 | Receipt into Pubs |
| 08-26-2004 | Mail Corrected Notice of Allowance |
| 08-26-2004 | Mail Examiner's Amendment |

| | |
|------------|--|
| 08-25-2004 | Application Is Considered Ready for Issue |
| 08-24-2004 | Issue Revision Completed |
| 08-24-2004 | Corrected Notice of Allowance |
| 08-24-2004 | Examiner's Amendment Communication |
| 08-16-2004 | Issue Fee Payment Recorded |
| 05-27-2004 | Workflow - File Sent to Contractor |
| 05-14-2004 | Mail Notice of Allowance |
| 05-13-2004 | Issue Revision Completed |
| 05-13-2004 | Notice of Allowance Data Verification Completed |
| 05-13-2004 | Case Docketed to Examiner In GAU |
| 05-13-2004 | Notice of Allowability |
| 05-04-2004 | Workflow incoming amendment IFW |
| 03-05-2004 | Date Forwarded to Examiner |
| 03-02-2004 | Response after Non-Final Action |
| 02-17-2004 | Mail Notice of Informal or Non-Responsive Amendment |
| 12-12-2003 | IFW Amended case processing Complete |
| 12-12-2003 | Date Forwarded to Examiner |
| 11-26-2003 | Informal or Non-Responsive Amendment after Examiner Action |
| 11-26-2003 | Response after Non-Final Action |
| 11-26-2003 | New or Additional Drawing Filed |
| 08-27-2003 | Mail Non-Final Rejection |
| 08-25-2003 | Non-Final Rejection |
| 05-13-2002 | Information Disclosure Statement (IDS) Filed |
| 04-26-2002 | X-Pre-Legal Complete New Case |
| 03-15-2002 | Case Docketed to Examiner in GAU |
| 02-19-2002 | Application Dispatched from OIPE |
| 02-15-2002 | Application Is Now Complete |
| 02-07-2002 | IFW Scan & PACR Auto Security Review |
| 01-29-2002 | IFW Scan & PACR Auto Security Review |
| 01-17-2002 | Initial Exam Team nn |

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Deposit Account Statement

Requester
 Statement
 Month: Aug-04
 Deposit
 Account
 Number: 195113
 OGILVY
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 DEBBIE
 Attention: SEARLE
 1981 MCGILL
 Address: COLLEGE
 City: MONTREAL
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|------------------|-------------------------|------------------|------------|------------|-----|------|
| | | NBR | | | AMT | |
| *Aug-16 16680 LB | 10046769 1770-174US-DIV | 1501 | \$1,330.00 | \$1,888.60 | | |
| *Aug-16 16680 LB | 10046769 1770-174US-DIV | 1504 | \$300.00 | \$426.00 | | |
| *Aug-16 16680 LB | 10046769 1770-174US-DIV | 8001 | \$6.00 | \$8.52 | | |
| Aug-16 16603 KD | 10917385 9-15000-25US | 2001 | \$385.00 | \$546.70 | | |
| Aug-16 16603 KD | 10917385 9-15000-25US | 2202 | \$36.00 | \$51.12 | | |
| Aug-16 15691 GH | 10917456 16553-1US | 2001 | \$385.00 | \$546.70 | | |
| Aug-16 16334 MG | 10503584 15655-1US | 1613 | \$920.00 | \$1,306.40 | | |
| Aug-17 19560 MF | 6201914 6013-47US-1 | 2551 | \$455.00 | \$646.10 | | |
| Aug-17 19560 MF | 6106796 9-16062-5US | 2551 | \$455.00 | \$646.10 | | |
| Aug-17 19560 MF | 6106796 9-16062-5US | 2554 | \$65.00 | \$92.30 | | |
| Aug-17 16598 PN | 60601615 12115-10USPR | 2005 | \$80.00 | \$113.60 | | |
| Aug-17 16607 JR | 10915392 2993-534US | 8021 | \$40.00 | \$56.80 | | |
| Aug-18 16602 SC | 9773581 15218-1US | 2251 | \$55.00 | \$78.10 | | |
| Aug-18 16602 SC | 10417108 8976-40US | 1202 | \$54.00 | \$76.68 | | |

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